

12-1901

12-12036

WE ARE FREE
JUDGE GLENN

Federina Royce Baker

EDC.002-021 Order Approving Payment of Filing Fee in Installments (v.11.12)

USBC,EDCA

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS

In re

Fedelina Roybal
De-Aguero

Debtor(s).

Case Number

13-23376 - B - 11

IT IS ORDERED that the debtor(s) shall pay the filing fee according to the following terms:

\$ 300.00 on or before 04/12/2013
\$ 300.00 on or before 05/13/2013
\$ 300.00 on or before 06/11/2013
\$ 300.00 on or before 07/11/2013

The amounts and dates set forth above shall supersede any that may have been proposed by the debtor(s). The debtor(s) may pay the filing fee in full prior to the date the final installment payment is due.

IT IS FURTHER ORDERED that until the filing fee is paid in full, the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

Dated: 3/13/13

FOR THE COURT
Wayne Blackwelder, Clerk
BY: jtis, Deputy Clerk
U.S. Bankruptcy Court
Robert T Matsui United States Courthouse
501 I Street, Suite 3-200
Sacramento, CA 95814
(916) 930-4400

The Deputy Clerk whose ID appears above certifies that on 3/13/13, a copy of this order was returned to the filing party.

Payments shall be made by mail or in person at the divisional office indicated above. DO NOT send cash through the mail. You are reminded that **NO PERSONAL CHECKS WILL BE ACCEPTED. NO ELECTRONIC CHECKS GENERATED THROUGH AN ONLINE BANKING SERVICE WILL BE ACCEPTED.** Use money orders or cashier's checks only, payable to "Clerk, U.S. Bankruptcy Court." To insure proper credit, please include the debtor's name, the case number, and the words "Filing Fee Installment Payment" on your money order or cashier's check.

DebtEd, FeeDueINST

U.S. Bankruptcy Court [LIVE-CM 5.0]
Eastern District of California (Sacramento)
Bankruptcy Petition #: 13-23376

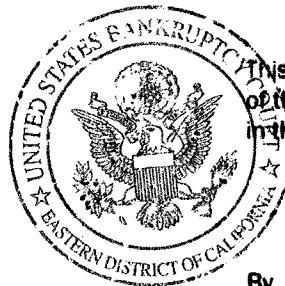
Assigned to: Hon. Thomas Holman
Chapter 11
Voluntary
Asset

Date filed: 03/13/2013
Deadline for filing claims (govt.): 09/09/2013

Debtor
Fedelina Roybal De-Aguero
n/c Wonda Raymond FBS 388883
7520 Bellini Way
Sacramento, CA 95828
PLACER-CA
707-937-2025
SSN / ITIN: xxx-xx-0000
aka 2008 Trust 394717-388883 a/o Trustor
aka Caspar Inn 1-10
aka Kelly Store
aka The Caspar Lounge
aka Miller
aka Fedelinas

represented by Fedelina Roybal De-Aguero
PRO SE

U.S. Trustee
Office of the U.S. Trustee
Robert T Matsui United States Courthouse
501 I Street, Room 7-500
Sacramento, CA 95814



This is to certify that this is a true and correct copy
of the original 2 page(s) filed on 3-13-13
in the office of the Clerk, U.S. Bankruptcy Court.

WAYNE BLACKWELDER
U.S. Bankruptcy Court

By 
Deputy Clerk

Filing Date	#	Docket Text
03/13/2013	1	Chapter 11 Voluntary Petition. Missing Document(s): Verification and Master Address List due by 3/20/2013; Statement of Social Security Number(s) due by 3/20/2013; Statement of Financial Affairs; Summary of schedules; Statistical Summary; Schedule A - Real Property; Schedule B - Personal Property; Schedule C - Exempt Property; Schedule D - Secured Creditors; Schedule E - Unsecured Priority Creditor; Schedule F - Unsecured Nonpriority Creditors; Schedule G - Exec. Contracts & Unexpired Leases; Schedule H - Codebtors; Schedule I - Current Income of Individual; Schedule J - Current Expenditures; 20 Largest Unsecured Creditors; Means Test - Form 22B; Document(s) due by 3/27/2013. (jtis) (Entered: 03/13/2013)
03/13/2013	2	Notice of Incomplete Filing and Notice of Intent to Dismiss Case If Documents Are Not Timely Filed. A copy of this notice was returned to the pro se debtor(s) by mail. (jtis) (Entered: 03/13/2013)
03/13/2013	3	Motion/Application to Pay Filing Fee in Installments (auto) (Entered: 03/13/2013)
03/13/2013	4	Order granting 3 Motion/Application to Pay Filing Fees in Installments. Next Installment Payment due by 4/12/2013. Second Installment Payment due by 5/13/2013. Third Installment Payment due by 6/11/2013. Final Installment Payment due by 7/11/2013. (jtis) (Entered: 03/13/2013)
03/13/2013		Chapter 11 Voluntary Petition (Filing Fee Paid: \$13.00, Receipt Number: 2-13-05035) (auto) (Entered: 03/13/2013)
03/13/2013		Debtor indicates that the landlord has a judgment against the debtor for possession of the debtor's residence. (jtis)

This is to certify that this is a true and correct copy
of the original _____ pages filed on _____
in the office of the Clerk, U.S. Bankruptcy Court.

WAYNE BLACKWELDER
U.S. Bankruptcy Court

By _____
Deputy Clerk

(Entered: 03/13/2013)

03/13/2013

As per 11 U.S.C. Sec. 362(1)(1)(A), debtor claims under applicable nonbankruptcy law that there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession. (jtis) (Entered: 03/13/2013)

03/13/2013

Debtor indicates in Certification by a Debtor Who Resides as a Tenant of Residential Property, that Debtor deposited with the clerk any rent that would become due during the 30-day period after the filing of the petition; however, no rent was received. (jtis) (Entered: 03/13/2013)

03/13/2013

As per 11 U.S.C. Sec. 362(1)(1) the debtor certifies that he/she has served the landlord with the Certification by a Debtor Who Resides as a Tenant of Residential Property. (jtis) (Entered: 03/13/2013)

B1 (Official Form 1) (12/11)

UNITED STATES BANKRUPTCY COURT		VOLUNTARY PETITION	
Name of Debtor (if individual, enter Last, First, Middle): Fedelina Roybal-De-Aguero Trust 394717/388883 a/o Trustor		Name of Joint Debtor (Spouse) (Last, First, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): Caspar Inn 1-10, The Caspar Lounge, Fedelinas, Kelly Store, Miller		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):	
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):	
Street Address of Debtor (No. and Street, City, and State): Wise & Eclipse Road 21.05 Acres		Street Address of Joint Debtor (No. and Street, City, and State):	
ZIP CODE		ZIP CODE	
County of Residence or of the Principal Place of Business: Placer 21.02, Mendocino 118-080-02,04,15,16, Contra Costa, Suffolk		County of Residence or of the Principal Place of Business:	
Mailing Address of Debtor (if different from street address): n/c Wonda Raymond FBS 388883 7520 Bellini Way Sacramento, Ca 95828		Mailing Address of Joint Debtor (if different from street address):	
ZIP CODE		ZIP CODE	
Location of Principal Assets of Business Debtor (if different from street address above): Derik Davis 1 million, 12-12028 USBCSDNY Executive Trustee Service APN 134, 119, 118,		ZIP CODE 10004	
Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding	
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box.) <input type="checkbox"/> Full Filing Fee attached. <input checked="" type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ----- Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input checked="" type="checkbox"/> Acceptances of the plan were solicited from one or more classes of creditors, in accordance with 11 U.S.C. § 1126.	
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.			
Estimated Number of Creditors <input type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000			
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			

13-23378-B-11
 DEBTOR: FEDELINA ROYBAL-DE-AGUIERO
 JUDGE: HON. T. HOLMAN
 ORIGINAL FILED 3/13/13
 Rec'd Counter: 03/13/13-2:30PM
 CLERK U.S. BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION Jtis

Document #: 3

B1 (Official Form 1) (12/11)

Page 2

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): Fedelina Roybal-De-Aguero 2008 Trust 394717/3a/o Trusto	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: Southern District of New York <input checked="" type="checkbox"/>	Case Number: 12-12023	Date Filed: 03/13/2013	
Location Where Filed: Southern District of New York[santa rosa] <input checked="" type="checkbox"/>	Case Number: 12-12023	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor: Executive Trustee Services	Case Number: 12-12028	Date Filed: 03/13/2013	
District: Southern District of New York <input checked="" type="checkbox"/>	Relationship: GMAC/BOA/AMOS/ Debt Collector	Judge: Martin Glenn	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) (Date)	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input checked="" type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D, completed and signed by the debtor, is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D, also completed and signed by the joint debtor, is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input checked="" type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input checked="" type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) <input checked="" type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="margin-left: 400px;"> 040-070-046/118-080-002/119 (Name of landlord that obtained judgment) Munoz /MCTM-CVUD-1312181/WS12-0542 CA Sup Co Placer/Mendocino/Contra Costa _____ (Address of landlord) </div> <input checked="" type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input checked="" type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input checked="" type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): Fedelina Roybal-De-Aguero 2008 Trust	
Signatures			
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct.</p> <p>[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.</p> <p>[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u>Fedelina Roybal-De-Aguero</u> /s/ <u>Fedelina Roybal-De-Aguero</u> Signature of Debtor</p> <p>X _____ Signature of Joint Debtor 707-937-2025 Telephone Number (if not represented by attorney) 03/11/2013 Date</p>		<p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>	
<p style="text-align: center;">Signature of Attorney*</p> <p>X _____ Signature of Attorney for Debtor(s)</p> <p>_____ Printed Name of Attorney for Debtor(s)</p> <p>_____ Firm Name</p> <p>_____ Address</p> <p>_____ Telephone Number</p> <p>_____ Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>		<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Signature</p> <p>_____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</small></p>	
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>			

MENDOCINO COUNTY SHERIFF
WRIT OF POSSESSION
14951 CASPAR ROAD
CASPAR, CA 94596

MENDOCINO COUNTY SHERIFF
WRIT OF POSSESSION
14961 CASPAR
CASPAR, CA

767234
5625

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re

Fedelina Robbal De Agüero

Debtor(s).

Case No.

12-25979-1

12-25979-B-13J

AMENDMENT
DEBTOR FEDELINA ROYBAL-DE AGÜERO
JUDGE HON T HOLMANFILED 5/15/12 - 4:06 PM
CLERK U S BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION Jrs

RECEIPT NO: 2-12-13284 \$30.00

VERIFICATION OF MASTER ADDRESS LIST

I (we) declare under penalty of perjury that the Master Address List submitted for filing in this case
(please check and complete one):

- [] on computer diskette as "pure text" (not delimited) in a file named CREDITOR.SCN,
listing a total of _____ creditors, [required with conventionally filed petitions prepared
by an attorney or bankruptcy petition preparer]

OR

- [] typed in scannable format on paper, consisting of _____ pages and listing a total
of _____ creditors, [only acceptable with conventionally filed petitions not prepared by an
attorney or bankruptcy petition preparer]

OR

- [] electronically as "pure text" (not delimited) in a file with a .txt extension, listing a total
of _____ creditors, [required with electronically filed petitions]

is a true, correct, and complete listing to the best of my (our) knowledge and belief.

I (we) acknowledge that the accuracy and completeness of the Master Address List is the shared
responsibility of the debtor(s) and the debtor's(s') attorney or bankruptcy petition preparer, if any.

I (we) further acknowledge that the Court will rely on the Master Address List for all mailings, and that
the various schedules and statements required by the Bankruptcy Code and the Federal Rules of Bankruptcy
Procedure will not be used for mailing purposes.

DATED: _____

Fedelina Robbal De Agüero
Debtor's Signature

DATED: _____

Joint Debtor's (if any) Signature

1 Robert Maynard Miller
2 14957 Caspar Road
3 Caspar Ca 95420

ORIGINAL FILED

JAN 30 2013

U.S. BANKRUPTCY COURT
SANTA ROSA, CA

4 DIP pro se

5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SANTA ROSA DIVISION

8
9 IN RE: ROBERT MAYNARD MILLER

13-10004

10 DEBTOR IN POSSESSION

Chapter 13

11 REQUEST FOR JUDICIAL NOTICE OF
12 SWORN DECLARATION OF
13 SUSAN KELLER FILED IN
14 UNLAWFUL DETAINER ACTION
15 MCTM-CVUD-13-12181
16 Filed January 23, 2013 in
17 TEN MILE BRANCH MENDOCINO
18 COUNTY SUPERIOR COURT

19 Motion for Re/Instatement of
20 11 USC 362L et seq, 11 USC 362a et seq

21 March 15, 2013 10:00 AM

22 The above Debtor Robert Maynard Miller request the court take judicial notice of verification
23 filed by SUSAN KELLER is flawed compared to verification in the EX-PARTE Application for
24 relief from Automatic Staynotice to the court within thirty days of entry of ex-parte Motion filed by
25 Susan Keller On January 4, 2013 because of saying the Debtor was not eligible to be a debtor 11
26 USC section 109(g), from second bankruptcy case of the above debtor originally filed in Oakland
27 Bankruptcy Court on January 2, 2013 and clerk CP gave Santa Rosa Case Number without intra-
28 district transfer. Attachment 21 pages

29 WHEREFORE PRAY FOR RELIEF SWORN UNDER PENALTY OF PERJURY UNDER
30 THE LAWS OF THE UNITED STATES AND FOREIGN ENTITIES EXECUTED IN CASPAR
31 CALIFORNIA.

32 ROBERT MAYNARD MILLER /s/ *Robert Maynard Miller* DEBTOR
33 JANUARY 30, 2013

It shall be the filers responsibility to use PACER to
CM/ECF (Lobby Terminal) to compare this paper
copy to the official image on the CM/ECF system and
bring any discrepancies to the attention of the Court
Clerk's Office within 10 business days of filing.

ATTORNEY OR PARTY WITHOUT ATTORNEY James A. Jackson 135167 JACKSON LAW OFFICES 245 East Laurel Street Fort Bragg, CA 95437 TELEPHONE NO: 707-962-0222 FAX NO: 707-962-0269 ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY ENDORSED-FILED TEN MILE BRANCH JAN 23 2013 CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA TRACY JOHNSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Mendocino STREET ADDRESS: 700 S. Franklin Street MAILING ADDRESS: CITY AND ZIP CODE: Fort Bragg, CA 95437 BRANCH NAME: Ten Mile Branch		CASE NUMBER: MCTM-CVUD-13-12181 JUDGE: DEPT.:	
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)

Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other P/DP/DWD (23)

Non-P/DP/DWD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-P/DP/DWD tort (35)

Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)

Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (28)

Unlawful Detainer
<input checked="" type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)

Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)

Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)

Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **1**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 22, 2013

James A. Jackson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUMMONS
(CITACIÓN JUDICIAL) Pg 13 of 33**UNLAWFUL DETAINER-EVICTION**
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):****ROBERT M. MILLER, ALL TENANTS IN POSSESSION and DOES 1-25, INCLUSIVE.****YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):****SUSAN KELLER, TRUSTEE****ENDORSED-FILED**
TEN MILE BRANCH

JAN 23 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA**TRACY JOHNSON**

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

1. The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California
700 S. Franklin Street
Fort Bragg, CA 95437CASE NUMBER:
(Número del caso):

MCTM-CVUD-13-12181

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

James A. Jackson
245 East Laurel Street
Fort Bragg, CA 95437JACKSON LAW OFFICES
707-962-0222

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415)

☐ did not ☐ did

for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

CARTIN A. DOWNING

Date:

(Fecha)

JAN 23 2013

Clerk, by

(Secretario)

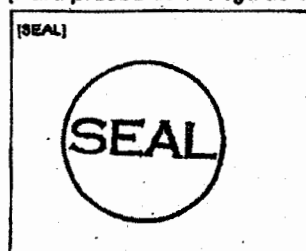
TRACY JOHNSON

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



4. NOTICE TO THE PERSON SERVED: You are served

- a. ☒ as an individual defendant.
 b. ☐ as the person sued under the fictitious name of (specify):
 c. ☐ as an occupant
 d. ☐ on behalf of (specify):

under:

- ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 418.40 (association or partnership)
☐ CCP 415.48 (occupant)

- ☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)
☐ other (specify):

5. ☐ by personal delivery on (date):

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
NAME OF COURT: Superior Court of California			
STREET ADDRESS: 700 S. Franklin Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: Fort Bragg, CA 95437			
BRANCH NAME: TEN MILE BRANCH			
PLAINTIFF: SUSAN KELLER, TRUSTEE			
DEFENDANT: ROBERT M. MILLER, ALL TENANTS IN POSSESSION, and DOES 1-25, INCLUSIVE.			
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		CASE NUMBER:	
		MCTM-CVUD-13- 12181	
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed. 3. You still occupy the premises.		(To be completed by the process server) DATE OF SERVICE: (Date that this form is served or delivered, and posted, and mailed by the officer or process server)	

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify) :
2. I reside at (street address, unit No., city and ZIP code):
3. The address of "the premises" subject to this claim is (address) :
4. On (insert date) : JAN 23 2013, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises (this date is the court filing date on the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ _____ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

(Continued on reverse)

PLAINTIFF (Name): SUSAN KELLER	CASE NUMBER:
DEFENDANT (Name): ROBERT M. MILLER, et al.	MCTM-CVUD-13-

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. Rental agreement. I have (check all that apply to you):

- a. ☐ an oral rental agreement with the landlord.
- b. ☐ a written rental agreement with the landlord.
- c. ☐ an oral rental agreement with a person other than the landlord.
- d. ☐ a written rental agreement with a person other than the landlord.
- e. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE If all the following are true:

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the court filing date on the accompanying Summons and Complaint.)
3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

James A. Jackson 135167
JACKSON LAW OFFICES
245 East Laurel Street
Fort Bragg, CA 95437
TELEPHONE NO.: 707-962-0222
ATTORNEY FOR (Name): Plaintiff

FAX NO.: 707-962-0269

ENDORSED-FILED
TEN MILE BRANCH

JAN 23 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA
TRACY JOHNSON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Mendocino
STREET ADDRESS: 700 S. Franklin Street
MAILING ADDRESS:
CITY AND ZIP CODE: Fort Bragg, CA 95437
BRANCH NAME: Ten Mile Branch

CASE NAME: Keller v. Miller, et al.

CIVIL CASE COVER SHEET

☐ Unlimited (Amount demanded exceeds \$25,000) ☒ Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

MCTM-CVUD-13-12181

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other P/DPDWD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other P/DPDWD (23)

Non-P/DPDWD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-P/DPDWD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☒ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation

(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 1

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 22, 2013

James A. Jackson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

1 JAMES A. JACKSON, ESQ. (SBN 135167)
2 245 East Laurel Street
3 Fort Bragg, CA 95437-3507
4 Telephone: (707) 962-0222
5 Facsimile: (707) 962-0269

6
7 Attorney for Plaintiff
8 Susan Keller, Trustee

ENDORSED-FILED
TEN MILE BRANCH

JAN 23 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA
TRACY JOHNSON

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

SUSAN KELLER, TRUSTEE,

Plaintiff,

v.

ROBERT M. MILLER, ALL TENANTS IN
POSSESSION, and DOES 1-25, INCLUSIVE.

Defendants.

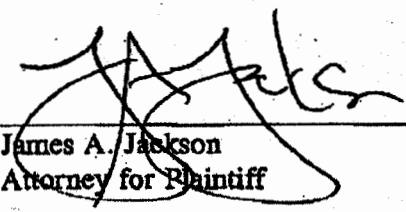
LIMITED

MCTM-CVUD-13- 12181

PEREMPTORY CHALLENGE
(Code Civ. Proc. 170.6)

I, James A. Jackson, declare:

I am counsel for plaintiff in the above-entitled action. The Honorable Clayton L. Brennan, the judge before whom the trial or hearing in the above-entitled action is pending or has been assigned, is prejudiced against me, or against the interests of my client, so that I believe that I and my client, cannot have a fair and impartial trial or hearing before said judge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 22nd day of January, 2013, at Fort Bragg, California


James A. Jackson
Attorney for Plaintiff

PEREMPTORY CHALLENGE

1 JAMES A. JACKSON, ESQ. (SBN 135167)
2 245 East Laurel Street
3 Fort Bragg, CA 95437-3507
4 Telephone: (707) 962-0222
5 Facsimile: (707) 962-0269

6
7
8
9
10 Attorney for Plaintiff
11 Susan Keller, Trustee

ENDORSED-FILED
TEN MILE BRANCH

JAN 23 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

~~TRACY JOHNSON~~

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

SUSAN KELLER, TRUSTEE,

Plaintiff,

v.

ROBERT M. MILLER, ALL TENANTS IN
POSSESSION, and DOES 1-25, INCLUSIVE.

Defendants.

13-12181
MCTM-CVUD- ~~13-12181~~

COMPLAINT FOR UNLAWFUL
DETAINER
(Code Civ. Proc. 1161a)

Plaintiff alleges:

1. Plaintiff is an individual who resides in Mendocino, California.
2. Defendants are individuals who reside in Mendocino County, California.

Plaintiff is informed and believes and thereon alleges that Defendants are tenants in possession of the premises located at 14957 Caspar Road, Caspar, California 95420 and purport to hold possession based on the prior ownership of the premises by Robert M. Miller.

3. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as Does 1-25, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the Doe Defendants claims a right to possession of Plaintiff's property.

COMPLAINT

1 4. By virtue of a Trustee's deed, executed by Prime Pacific, as the Trustee or Successor
2 Trustee named in a deed of trust ("Trustee"), and delivered to Plaintiff, Plaintiff is the owner,
3 and is entitled to possession, of the real property commonly known as The Caspar Inn, 14957
4 Caspar Road, Caspar, California 95420 ("Property").

5 5. The deed of trust was executed by Robert M. Miller, an unmarried man as trustor, and
6 recorded on July 9, 2004 as document number 2004-15282, Mendocino County Official records.
7 By this deed of trust, Robert M. Miller conveyed the property to the Trustee to secure payment
8 of a promissory note payable to Dorothy Susan Keller aka Susan Keller, Trustee u/d/t November
9 1, 2005.

10 6. Robert M. Miller defaulted in the payment of the promissory note, and thereafter, at
11 the request of the beneficiary, the Trustee, in accordance with Section 2924 of the Civil Code,
12 caused to be recorded in the official records of Mendocino County, California, on March 23,
13 2012 as Instrument No. 2012-04582 a notice of default and breach of conditions of the trust
14 deed, and its election to sell the property under the power of sale contained in the trust deed to
15 satisfy the obligation secured by the trust deed. The notice of default contained the statement
16 specified in Civil Code Section 2924c(b)(1).

17 7. More than three months after the notice of default was recorded, the Trustee, as
18 required by Civil Code Section 2924, gave notice in the manner and form required by Civil Code
19 Section 2924f that the Property would be sold at public auction on January 7, 2013 at the main
20 entrance of the County Courthouse, located on State and Perkins Streets in Ukiah, California, to
21 satisfy the obligation secured by the trust deed, and caused the notice of sale to be recorded in
22 the official records of Mendocino County, California, on December 7, 2012 as Instrument No.
23 2012-18224.

24 8. Robert M. Miller failed to cure the default, and on January 7, 2013 the Trustee duly
25 sold the property to Plaintiff, who was the highest bidder, and at that time, executed and
26 delivered to Plaintiff a trustee's deed for the property, which was thereafter recorded on January
27 7, 2013, as document number 2013-00393, Mendocino County Official records. A copy of the
28 Trustee's deed is attached hereto as Exhibit "A".

1 9. At the time of the sale, the defendants were in possession of the Property and have
2 remained in possession after the sale.

3 10. On January 10, 2013, Plaintiff caused to be served on Defendants a written notice
4 stating that possession of the property was to be delivered up to Plaintiff within three days after
5 service of the notice, and demanding that Defendants quit the premises. Copies of the notice and
6 proof of service are attached hereto as Exhibit "B".

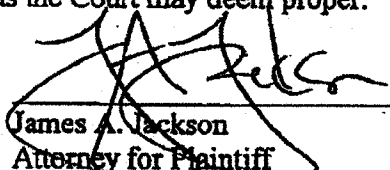
7 11. The three day notice was personally served on Robert M. Miller. The three day
8 period expired on on January 14, 2013 and since that date Plaintiff has been and is entitled to
9 immediate possession of the premises.

10 12. Defendants have failed and refused to deliver up possession within the time required
11 by law and continue in possession of the premises without Plaintiff's permission or consent.

12 WHEREFORE, Plaintiff prays judgment against Defendants as follows:

- 13 1. For possession of the premises.
14 2. For damages for the unlawful detention of the premises at a rate according to proof.
15 3. For costs of suit herein.
16 4. For such other and further relief as the Court may deem proper.

17 Dated: January 22, 2013

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19 James A. Jackson
20 Attorney for Plaintiff
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VERIFICATION

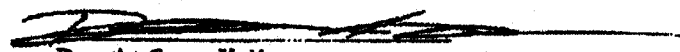
I, Susan Keller as Trustee, declare:

I am the plaintiff in this matter, and as such I am authorized to make this verification.

I have read the foregoing Complaint for Unlawful Detainer and know the contents thereof; the same is true of my knowledge except as to the matters which are therein stated upon information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18 day of January, 2013 at Mendocino, California.



Dorothy Susan Keller
Trustee u/d/t November 1, 2003

VERIFICATION

EXHIBIT A

MAIL TAX STATEMENTS TO:

Pg. 23 of 33

RETURN TO:

Susan Keller

P.O. Box 410

Mendocino, CA 95460

2013-06-06
 Recorded at the request of:
 PRIME PACIFIC
 01/07/2013 10:30 AM
 Fee: \$22.00 Pgs: 1 of 4

OFFICIAL RECORDS
 Susan M. Ranechak - Clerk-Recorder
 Mendocino County, CA

	\$20.00 PAID
	PCO FILED
<input checked="" type="checkbox"/>	Exempt

TRUSTEE'S DEED

PRIME PACIFIC, a California corporation, as trustee under the deed of trust hereinafter described, hereby grants without warranty to SUSAN KELLER, Trustee u/d/t/ November 1, 2005 all of the real property situated in the County of Mendocino, State of California and more particularly described in Exhibit "A" attached hereto.

This conveyance is made pursuant to the powers conferred upon grantor by that certain Deed of Trust between ROBERT M. MILLER, an unmarried man, as trustors, and REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY, a California corporation, as Trustee, and DOROTHY SUSAN KELLER, an unmarried woman, as beneficiary, dated June 21, 2004, and recorded July 9, 2004, in Document No. 2004-15282, Official Records of Mendocino County; and after the fulfillment of the conditions specified in the mentioned Deed of Trust authorizing this conveyance as follows:

Default was made in the obligations for which the transfer in trust was made as security and notice of default was recorded in the office of the County Recorder of the County in which the property described in the mentioned Deed of Trust is situated, the nature of the default being the failure to pay installment that became due on December 1, 2011, failure to pay subsequent installments, failure to pay late fees, failure to pay property taxes, all pursuant to a Note and/or Deed of Trust.

Not less than ninety (90) days elapsed between the recordation of the Notice of Default and the posting and first publication of the Notice of Sale of the property.

The beneficiary made due and proper demand upon the trustee to sell the property pursuant to the terms of the Deed of Trust.

Documentary Transfer Tax Due \$ 0
 Amount of Consideration \$ 413,314.00
 Amount of Unpaid Debt \$ 413,314.00
 Grantee is ☒ Beneficiary ☐ Mortgagee
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Property located in Cooper, CA.

me hains Prime Pacific
 Signature of Declarant Firm Name
 Executed in City of Ukiah, State of California

PRIME PACIFIC was substituted as trustee under that certain document recorded July 13, 2012, in Document No. 2012-10536, Official Records of Mendocino County. The trustee gave notice of the time and place of the sale of the property in accordance with the laws of the State of California and the terms of the Deed of Trust. All requirements of law regarding the mailing of copies of notices for which requests have been recorded have been complied with.

The property was sold by grantor at public auction on January 7, 2013, in the County of Mendocino, State of California, in which the property is situated, in full accordance with the laws of the State of California, and the terms of the Deed of Trust.

Grantee, being the highest bidder at the sale, became the purchaser of the property and paid to the trustee the amount bid, being the sum of \$463,314.00 in lawful money of the United States.

Dated: January 7, 2013

PRIME PACIFIC - Trustee

By *Mary F. Morris*
MARY F. MORRIS, President

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

On Jan 7, 2013, before me, Betty Berndt, Notary Public, personally appeared MARY F. MORRIS who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Betty Berndt
Notary Public in and for said State

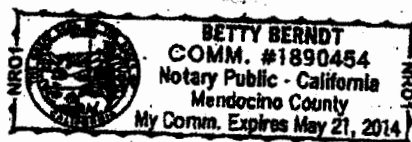


EXHIBIT "A"

PARCEL ONE:

BEGINNING at a point on the Easterly line of the County Coast Road or Public Highway, leading along or near the coast of the Pacific Ocean, which point of beginning is distant 262-1/2 feet, more or less, Northerly from where the Easterly line of said County Coast Road intersects the Northerly line of a road running Easterly and leading to the woods camps of the Casper Lumber Company on Casper Creek; thence on the exterior boundaries of the land to be described, from the aforesaid point of beginning North 9-1/2° West on the Easterly line of the County Coast Road 54 feet; thence North 86-1/2° East 138 feet; thence 0° South 54 feet; thence South 86-1/2° West 129-1/12 feet to the point of beginning; all situate in Section 1, Township 17 North, Range 18 West, Mount Diablo Base and Meridian.

APN: 118-080-02

PARCEL TWO:

That certain real property conveyed by deed executed by E.P. Freathy, Administrator of the Estate of Peter Davidson to Emily M. Freathy, dated September 25, 1912, recorded December 23, 1912 in Book 133 of Deeds, Page 288, Mendocino County Records, as follows:

BEGINNING at a point on the Easterly line of the Coast Road or Public Highway leading along and near the coast of Pacific Ocean distant 168 feet Northerly from the intersection of the East line of said Coast Road with the North line of a road leading Easterly to the Casper Woods, thence from said point of beginning North 9-1/4° West on Easterly line of Coast Road, 94-1/2 feet; thence North 86-1/2° East, 577 feet; South 1° West, 10 feet to the Northwest corner of James Bell's Inclosure and in all 93 feet, South 86-3/8° West, 560 feet to the point of beginning, and being a portion of the North half of Southeast quarter of Section 1 in Township 17 North, Range 18 West, Mount Diablo Base and Meridian.

EXCEPTING from the above described lands the following:

BEGINNING at a point on the Easterly line of the Coast Road or Public Highway leading along and near the shore of the Pacific Ocean, said point of beginning being distant 168 feet Northerly from the Southwest corner of the parcel of land owned by Frank Kelly and on which said Kelly's store building are situated; thence from said point of beginning running North 9-1/4° West, on the Easterly line of said road, 46-1/4 feet; thence North 86-3/4° East, 198 feet, thence North 9-1/4° West, 47-1/4 feet; thence North 86-1/4° East, 381 feet; thence South 1° West, 10 feet to the Northwest corner of James Bell's Inclosure and in all 93 feet; thence South 86-3/8° West, 560 feet and to the point of beginning.

APN: 118-080-04

PARCEL THREE:

All that certain real property situate, lying and being in the County of Mendocino, State of California, more particularly described as follows to wit:

Beginning at a point 91 feet South and 1122 feet West of the 1/4 Section corner between Section 6 of Township 17 North, Range 17 West and Section 1 of Township 17 North, Range 18 West, Mount Diablo Base and Meridian; thence on the exterior boundaries of land herein described, West 580.86 feet; thence South 86° West 137 feet to the Coast Road or State Highway No. 1; thence Southerly along the East line of the Coast Road or State Highway No. 1, 50 feet; thence North 86° East 138 feet; thence Southerly parallel to the East line of the Coast Road or State Highway No. 1, 54 feet; thence North 86° East 448 feet; thence South 5 feet; thence North 86° East 118 feet; thence Northerly and parallel to the East line of the Coast Road or State Highway No. 1, 75 feet to the point of beginning.

Excepting therefrom that portion awarded to Plaintiff in the Final Decree of Divorce issued out of the Superior Court of the State of California and for the County of Mendocino #18597 in the matter of Matilda Fratis, Plaintiff vs. William M. Fratis, Jr., Defendant, a certified copy of which was recorded January 28, 1969 in Book 783 of Official Records, Page 239, Mendocino County Records, and described in said Decree as follows:

Beginning at an iron stake which is driven in the center of a roadway, 91 feet South and 1122 feet West of the Quarter section corner common to Sections 6, Township 17 North, Range 17 West, and Section 1, Township 17 North, Range 18 West, Mount Diablo Base and Meridian; thence West 580.66 feet; thence South 86° West 137 feet to the Coast Road or State Highway No. 1; thence Southerly along the East line of the Coast Road or Coast Highway No. 1, 50 feet; thence North 86° East 138 feet, which foregoing description has followed around the Northern boundary Eastern most boundary and a portion of the Southern boundary of the parcel of property formerly belonging to Matilda and William Fratis, thence due North 10 feet to said iron stake, the point of beginning; thence Easterly and in a general parallel direction with the Northerly boundary of the property formerly belonging to the parties in Joint Tenancy 135 feet, more or less, to an iron stake driven in the ground, being a 5/8" iron pipe, in diameter, said galvanized iron pipe being approximately 33 feet due South of the North boundary of the aforesaid Joint Tenancy property; thence South 12 feet; more or less to another iron pipe; thence East and parallel to the South side of the aforesaid property 105 feet, more or less, to an iron pipe driven in the ground, from said pipe due South to the Southern boundary of the said Joint Tenancy property; thence along the Southerly boundary of said property Westerly to the Southwest corner thereof; thence Northerly to the point of beginning.

APN: 118-080-16

PARCEL FOUR:

That portion awarded to Plaintiff in the Final Decree of Divorce issued out of the Superior Court of the State of California and for the County of Mendocino #18597 in the matter of Matilda Fratis, Plaintiff vs. William M. Fratis, Jr., Defendant, a certified copy of which was recorded January 28, 1969 in Book 783 of Official Records, Page 239, Mendocino County Records, and described in said Decree as follows:

Beginning at an iron stake which is driven in the center of a roadway, 91 feet South and 1122 feet West of the quarter section corner common to Sections 8, Township 17 North, Range 17 West, and Section 1, Township 17 North, Range 18 West, Mount Diablo Base and Meridian; thence West 580.66 feet; thence South 86° West 137 feet to the Coast Road or State Highway No. 1; thence Southerly along the East line of the Coast Road or Coast Highway No. 1, 50 feet; thence North 86° East 138 feet, which foregoing description has followed around the Northern boundary Eastern most boundary and a portion of the Southern boundary of the parcel of property formerly belonging to Matilda and William Fratis, thence due North 10 feet to said iron stake, the point of beginning; thence Easterly and in a general parallel direction with the Northerly boundary of the property formerly belonging to the parties in Joint Tenancy 135 feet, more or less, to an iron stake driven in the ground, being a 5/8" iron pipe, in diameter, said galvanized iron pipe being approximately 33 feet due South of the North boundary of the aforesaid Joint Tenancy property; thence South 12 feet, more or less to another iron pipe; thence East and parallel to the South side of the aforesaid property 105 feet, more or less, to an iron pipe driven in the ground, from said pipe due South to the Southern boundary of the said Joint Tenancy property; thence along the Southerly boundary of said property Westerly to the Southwest corner thereof; thence Northerly to the point of beginning.

APN: 118-080-15

EXHIBIT "A"

This is certified copy of the original document recorded in this office
NO
it is hereby certified that the foregoing is a true and correct copy of the original document
SUBSCRIBED AT MENDOCINO
County of Mendocino
County of California
By
Deputy Recorder

This is a certified copy of the original
document recorded in this office
on JAN 05 2013

If it bears this stamp imprinted in
purple ink and an original signature
SUSAN M. RANOGAK
County recorder in and for Mendocino
County State of California

By *[Signature]*
Deputy Recorder

EXHIBIT B

NOTICE TO QUIT

TO: Robert M. Miller and
All Tenants in Possession of the premises located at
The Caspar Inn
14957 Caspar Road
Caspar, CA 95420

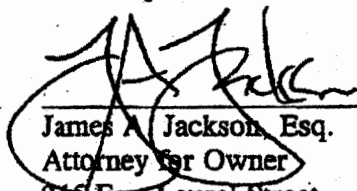
Please take notice that the captioned property has been sold in accordance with Section 2924 of the California Civil Code, under a power of sale contained in a Deed of Trust executed by Robert M. Miller, an unmarried man, as Trustor, and Redwood Empire Title Company of Mendocino County, a California corporation, as Trustee, and Dorothy Susan Keller, an unmarried woman, as Beneficiary, dated June 21, 2004, and recorded July 9, 2004, in Document No. 2004-15282, Official Records of Mendocino County. Prime Pacific was substituted as Trustee under that certain document recorded July 13, 2012, in Document No. 2012-10536, Official Records of Mendocino County.

This real property has been sold to Susan Keller, Trustee w/d/t/November 1, 2005, in whose name title has been duly perfected in accordance with a Trustee's Deed recorded January 7, 2013 as Document number 2013-00393, Official Records of Mendocino County.

In accordance with California Code of Civil Procedure Section 1161a, you are directed to vacate the property within three (3) days of this Notice to Quit. Your failure to deliver possession of the premises within three (3) days will cause the undersigned to initiate legal proceedings against you to recover possession of the premises and to seek judgment against you for damages for each day of occupancy after that date, statutory damages pursuant to Code of Civil Procedure Section 1174, Costs and Attorneys Fees.

You are further notified that the undersigned elects to declare the forfeiture of any agreement under which you claim to hold possession of the premises.

Dated: January 9, 2013


James A. Jackson, Esq.
Attorney for Owner
245 East Laurel Street
Fort Bragg, CA 95437
(707) 962-0222

P.O. Box 27
Fort Bragg, CA 95437

Munsoor A. Shah Service Co.

LN. 70050

(707) 655-5609
munsoorashah@gmail.com

Proof of Service

I am a citizen of the United States and resident of Mendocino County, CA. I am over the age of eighteen (18) years.

My address and telephone number is:

P.O. Box 27
Fort Bragg, CA 95437
(707) 655-5609

I personally served a true and correct copy of the following documents:

- a. *Letter from attorney (James A. Jackson) dated January 9, 2013*
- b. *Notice to Quit*

I personally served the following person at the address, date and time stated:

- a. Person: Robert Miller (AKA Bobby Miller)
- b. Address: 14957 Caspar Road
Caspar, CA 95420
- c. Date: January 10, 2013
- d. Time: 10.42 PM

The fee for this service:

- a. \$75.00 (service by hand)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 14, 2013


Munsoor A. Shah

1 JAMES A. JACKSON, ESQ. (SBN 135167)
2 245 East Laurel Street
3 Fort Bragg, CA 95437-3507
4 Telephone: (707) 962-0222
5 Facsimile: (707) 962-0269

6 Attorney for Plaintiff
7 Susan Keller, Trustee

ENDORSED-FILED
TEN MILE BRANCH

JAN 23 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA
TRACY JOHNSON

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF MENDOCINO

10 SUSAN KELLER, TRUSTEE,

LIMITED

11 Plaintiff,

MCTM-CVUD-13- 12181

12 v.

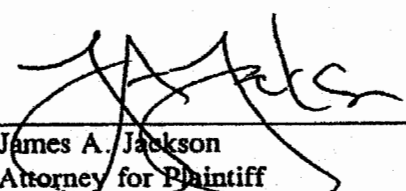
PEREMPTORY CHALLENGE
(Code Civ. Proc. 170.6)

13 ROBERT M. MILLER, ALL TENANTS IN
14 POSSESSION, and DOES 1-25, INCLUSIVE.

15 Defendants.

16
17 I, James A. Jackson, declare:

18 I am counsel for plaintiff in the above-entitled action. The Honorable Clayton L.
19 Brennan, the judge before whom the trial or hearing in the above-entitled action is pending or
20 has been assigned, is prejudiced against me, or against the interests of my client, so that I
21 believe that I and my client, cannot have a fair and impartial trial or hearing before said judge.
22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed on this 22nd day of January, 2013, at Fort Bragg, California

24
25
26 
27 James A. Jackson
28 Attorney for Plaintiff

PEREMPTORY CHALLENGE

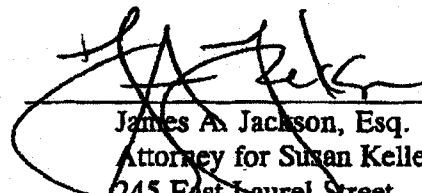
NOTICE OF TERMINATION OF TENANCY

TO: All Tenants In Possession of Large Wood Shingled House Behind The Caspar Inn
14957 Caspar Road
Caspar, California 95420

NOTICE IS HEREBY GIVEN that your tenancy of the above-described premises is terminated on Tuesday, April 30, 2013, and you must vacate the premises on or before that date or you will be guilty of an unlawful detention of the premises. This notice is given pursuant to the provisions of Sections 1946 and 1946.1 of the California Civil Code. If you fail to deliver up possession by Tuesday, April 30, 2013, legal proceedings will be commenced against you to recover possession and to recover a judgment for damages for each day you hold possession beyond Tuesday, April 30, 2013.

You have the right to request an initial inspection of the premises no earlier than two (2) weeks before termination of the tenancy. You have the right to be present at the inspection. The purpose of the inspection is to allow you an opportunity to remedy identified deficiencies, consistent with your obligations under the lease, in order to avoid deductions from your security deposit.

Dated: January 28, 2013


James A. Jackson, Esq.
Attorney for Susan Keller
245 East Laurel Street
Fort Bragg, CA 95437
(707) 962-0222

1 Robert Maynard Miller
2 14957 Caspar Road
3 Caspar Ca 95420

4 DIP pro se

5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SANTA ROSA DIVISION

8 IN RE: ROBERT MAYNARD MILLER

13-10004

9 DEBTOR IN POSSESSION

Chapter 13

10 Proof of Service

11 I Am Over the Age of Eighteen and not a registered process servor I put the above attached, Notice
12 Motion, Statement of Undisputed Facts, Proposed Order, Request For Judicial Notice in the Mail
13 addressed to the following with postage in Santa Rosa California. Sworn under penalty of Perjury
14 under the laws of the United States and Foreign Entities. My Business Address is 25 Amberwood
Lane Bldg 2, Walnut Creek California 94579

15 Susan Keller
16 PO Box 410
17 Mendocino, Ca 95460

18 James A. Jackson Esq
19 245 East Laurel Street
Fort Bragg, Ca 95437-3507

20 David Burchard Trustee

21 Clerk of Bankruptcy Court
22 99 "E" Street
23 Santa Rosa, California

24 All Commercial Tenants
25 14957 Caspar Road
Caspar, Ca 95420

26 Superior Ct TMB
27 700 S. Franklin Street
28 Fort Bragg, Ca 95437

 R.D Eberwein